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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,528	01/14/2002	Atsushi Kitagawa	020612	3900

38834 7590 02/26/2004

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EXAMINER

CHUNG, DAVID Y

ART UNIT PAPER NUMBER

2871

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,528

Applicant(s)

KITAGAWA ET AL.

Examiner

David Y. Chung

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1, 2, 5-11 and 14-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al. (JP 2000-321426) in further view of Yokokura et al. (U.S. 5,220,447).**

As to claims 1 and 10, Kitagawa et al. discloses a wide visual field angle polarizing plate. Note in figure 1, the polarizing layer 11 laminated on optical compensation film 13 and brightness enhancement film 3 laminated on polarizing layer 11.

Kitagawa et al. does not disclose that the polarizing layer 11 is directly laminated on optical compensation film 13. It was well known that the optical properties of adhesives often caused undesirable optical effects. The background discussion of Yokokura et al. is evidence of this. Yokokura et al. shows that it was well known that adhesives used to attach films to a liquid crystal display device caused a decrease in contrast. Therefore, it would have been obvious to one of ordinary skill in the art at the

Art Unit: 2871

time of invention to directly laminate the polarizing layer on the optical compensation film without using an adhesive in order to maintain good contrast.

Forming the polarizing layer by coating a polarizing layer forming material on the compensating plate does not patentably distinguish the claims from the prior art. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. See MPEP § 2113.

As to claims 2 and 11, Kitagawa et al. discloses an optical compensation layer comprising optically anisotropic layer 13 and support film 5. It was conventional for an optically anisotropic layer in a compensator to be formed of a material having a liquid-crystalline property. It would have been obvious to one of ordinary skill in the art at the time of invention to form the optically anisotropic layer of a material having a liquid-crystalline property because it was conventional, and conventional elements had the benefits of well understood behavior and well established supply chains and manufacturing methodologies.

As to claims 5, 14, 19 and 20, Kitagawa et al. discloses that the thickness of the polarizing layer is typically 5 to 80 μm , but is not limited to this range. See column 2, lines 36-38. The thickness of the polarizing layer is a result effective variable. It would have been obvious to one of ordinary skill in the art at the time of invention to discover

Art Unit: 2871

the optimum thickness for any given polarizing plate, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

As to claims 6 and 15, Kitagawa et al. discloses a protective layer 12 disposed on the surface of polarizing layer 11.

As to claims 7 and 16, Kitagawa et al. does not disclose laminating a polarizing layer through coating-application of a polarizing layer forming material. However, this was a conventional way of forming a polarizing layer in a laminate structure. It would have been obvious to one of ordinary skill in the art at the time of invention to laminate a polarizing layer through coating-application of a polarizing layer forming material because it was convention, and conventional methods had the benefits of well understood behavior and well established supply chains and manufacturing methodologies.

As to claims 8 and 17, adhesion layers for glass-substrate surfaces were well known and obvious for their ability to securely bond any type of film to a substrate. It would have been obvious to one of ordinary skill in the art at the time of invention to include an adhesion layer for a glass-substrate surface of a liquid crystal display because of the need to securely bond the polarizing film to a substrate.

As to claims 9 and 18, the polarizing plate disclosed by Kitagawa et al. was commonly used in liquid crystal displays because of its ability to improve viewing angle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the polarizing plate of Kitagawa et al. in a liquid crystal display in order to improve view angle.

2. Claims 3, 4, 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al. (JP 2000-321426) in further view of Yokokura et al. (U.S. 5,220,447) and Sahouani et al. (U.S. 6,245,399).

Kitagawa et al. does not disclose a polarizing layer prepared by a lyotropic solution containing a dichroic dye or a liquid-crystal polymer solution containing a dichroic dye. Sahouani et al. discloses a guest-host polarizer that is formed of a guest pleochroic dye disposed within a host lyotropic liquid crystal matrix. See abstract. Sahouani et al. teaches that the disclosed guest-host polarizer exhibits surprisingly improved heat resistance, especially when applied to a glass substrate and that heat resistance can be important in liquid crystal displays requiring high levels of illumination, since some of the light used for illumination will inevitably be absorbed by the components of the display. See column 3, lines 50-58. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the guest-host polarizing layer of Sahouani et al. in the polarizing plate laminate assembly of Kitagawa et al. because of the improved heat resistance.

Response to Arguments

Applicant's arguments filed November 19, 2003 have been fully considered but they are not persuasive. As discussed above, a process limitation does not patentably distinguish a product claim over a prior art product unless it implies a materially different product.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Chung whose telephone number is (571) 272-2288. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:00 pm.


ROBERT H. KIM
SUPERVISORY PATENT EXAMINER
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